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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/070,635	03/01/2002	Hirokazu Kimura	UNIUS7.001APC	7611

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KNOBBE MARTENS OLSON & BEAR LLP  
2040 MAIN STREET  
FOURTEENTH FLOOR  
IRVINE, CA 92614

EXAMINER

ADAMS, GREGORY W

ART UNIT PAPER NUMBER

3652

DATE MAILED: 02/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/070,635

Applicant(s)

KIMURA, HIROKAZU

Examiner

Gregory W. Adams

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☐ Claim(s) 1, 4, 12 and 13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 4, 12 and 13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 February 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims.
2. Referring to claim 1, line 3, the "inner ring" and "outer ring" must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.
3. Referring to claim 4, line 7, the "**floor** where an object is carried by a transfer device" must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.(Emphasis added).

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will

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be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

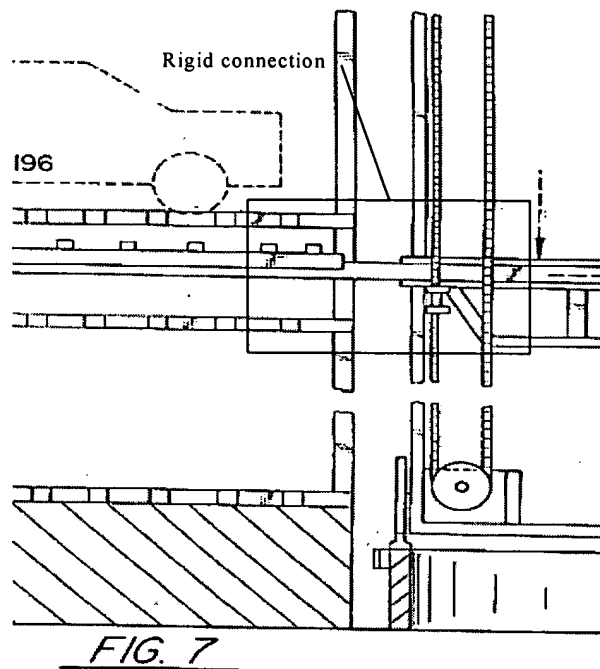
5. Claims 1, 4, 12 & 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vita (US 5,980,185) in view of Hunter (US 2,967,440).

6. With respect to claim 1, referring to FIGS. 1-11 Vita '185 discloses a transfer device 18 comprising a rotating carriage 14, 16, 18, 178 along a ring-shaped horizontal rail 104 including an outer ring 110, inner ring 106, and wheels 108, 112, a transfer device 18 further comprising vertical columns 180, 182, 184 (as shown in FIG. 11) extending above or below a carriage table 114, 76, 98 connected rigidly to an inner ring 106 extending above and below a carriage table having a stroke up or down 16, 34, 56, 84 (col. 3, lns. 1-5), drivingly mechanism incorporated in a table 114, 76, 98, and a drivingly lifting mechanism incorporated in vertical columns or table 44, 46, 170, 172, 198, 174, 186, 188, 190. Vita '185 does not disclose wheels between an inner ring and outer ring. Referring to FIGS. 1-9, Hunter '440 discloses a rotating carriage 20, along a ring-shaped horizontal rail 28, 30 comprising a carriage 20, an outer ring 100, 102, inner ring 28, and wheels 26, 54 between outer ring and inner ring. Hunter teaches that placement of wheels between an outer and inner ring provides a heavy-duty carriage for

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high torque periodic indexing and/or rotation through 90 degree increments. Col. 1, Ins. 23-46, Ins. 55-70. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to locate the wheels of the carriage of Vita between an inner and outer ring, as per the teachings of Hunter, such that a heavy-duty carriage may produce high torque periodic indexing and/or rotation through 90 degree increments.

7. With respect to claim 4, referring to FIGS. 1-11 Vita '185 discloses a transfer device further comprising another carriage 134 another vertically parallel horizontal rail 138, wherein the rails are arranged vertically an interval apart, vertical columns connected rigidly to carriages, horizontal rails fixed to a floor for objects. Col. 5, Ins. 14-35. Referring to FIG. 7 (reproduced below) it is notes that Vita discloses rigidly fixing horizontal rails to a floor where objects are placed during a loading or unloading step of storing objects.



8. With respect to claim 12, referring to FIGS. 1-11 Vita '185 discloses a table 18 sized for one object. Vita '185 discloses carrying one object. However, it is noted that a table may be sized for one object, and simultaneously sized for carrying many objects.

9. With respect to claim 13, referring to FIGS. 1-11 Vita '185 discloses the claimed invention except for an upper and lower transfer device. It would have been obvious to one having ordinary skill in the art at the time the invention was made to add an identical transfer device, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

10. Applicant's arguments with respect to claims 1, 4, 12 and 13 have been considered but are moot in view of the new ground(s) of rejection. Examiner notes

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applicant's argument in Applicant Amendment & Arguments filed on March 1, 2002, are unpersuasive. Applicant asserts that the vertical columns and table rotate together, page 5, lines 10-11, but applicant is reminded that claims represent the legal boundaries of an invention. Moreover, applicant asserts that the transfer device is free of any structure. Page 5, lines 15-17. Referring to FIG. 1, Vita '185 discloses an open transfer structure, i.e. hollow, which allows a table 114, 76, 98 to move free from obstruction.

### ***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 1,779,998 to Beecher et al.

US 5,501,295 to Müller et al.

US 5,024,571 to Shaher et al.

US 4,976,580 to Knakrick

US 3,990,589 to Manaugh

US 5,460,470 to Wilson

US 5,098,246 to Jung

US 4,039,089 to Kochanneck

US 3,681,793 to Coursey

JP 09-302977 to Masaharu

US 3,497,087 to Vita

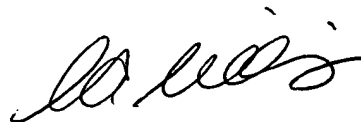
JP 09-177353 to Kazunari

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory W. Adams whose telephone number is (703) 305-0555. The examiner can normally be reached on M-F, 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen D. Lillis can be reached on (703) 308-3248. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

GWA



EILEEN D. LILLIS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600